IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2186 of 2005

Between:

Pulipati Ratnamma, W/o P. Venkateswarlu,
r/o Venkatapuram Village, Podalakuru Mandal, Nellore District.

..... PETITIONER

AND

1 The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Nellore District.
3 The Revenue Divisional Officer, Nellore Division, Nellore.
4 The Mandal Revenue Officer, Podalakuru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particular one in the nature of Mandamus declaring the action of respondent No.3 issuing notice No. 1/285/2004 dated17-7-2004 for evicting the petitioner from agricultural land in contradiction of provision of law is as unjust, illegal, arbitrary.

Counsel for the Petitioner : MR.V.VENKATA KUMAR

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.2186 OF 2005

ORAL ORDER :

The petitioner claims that an extent of Ac.3-85 cents of land situated in Sy.No.344 of Pulikollu Village, Podalakuru Mandal, Nellore District is in her occupation, in which she has been carrying on agricultural operations. It is stated that the said land was purchased by her from the original assignee one Sri Gampala Ramanayya in the year 1971. It is further stated that the third respondent – Revenue Divisional Officer issued a notice dated 17-07-2004 calling upon the petitioner to show-cause as to why the action should not be initiated against her on the ground that she has been in unauthroised occupation of the assigned land. The petitioner states that she has submitted her explanation, but no final orders have yet been passed by the third respondent. However, it is alleged that in the meanwhile the respondents are taking steps to dispossess the petitioner from the land in question. Hence, this writ petition.

I have heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The learned Government Pleader, under instructions, states that in pursuance of the notice dated 17-07-2004, after considering the explanation submitted by the petitioner, the third respondent has already passed an order dated 17-09-2004 and therefore the contentions raised by the petitioner are untenable and no relief can be granted as prayed for. However, the learned Counsel for the petitioner disputes the same and says that no final orders have been communicated to the petitioner so far and since the petitioner is in possession of the land, she cannot be dispossessed without following due process of law.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the third respondent to communicate the order dated 17-09-2004 to the petitioner within a period of two weeks from the date of receipt of this order. On receipt of such order, if the petitioner is aggrieved, it is open to her to work out the appropriate remedy as available under law.

It is made clear that since admittedly the petitioner is in possession of the land in question, even assuming that her possession is in violation of the provisions of The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'), the petitioner shall not be dispossessed from the land in question without following the procedure prescribed under the provisions of the Act.

The Writ Petition is accordingly disposed of. No costs.

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11th February, 2005.

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To

1 The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Nellore District.
3 The Revenue Divisional Officer, Nellore Division, Nellore.
4 The Mandal Revenue Officer, Podalakuru Mandal, Nellore District.

5. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

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